

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Linton, Carl Confirmation No. 8998
Serial No.: 10/659,997 Art Unit: 3714
Filed: September 11, 2003 Examiner: Cheung, Victor
For: **METHOD AND APPARATUS FOR CYCLIC VARIATIONS IN ALTITUDE
CONDITIONING**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION PURSUANT TO 37 CFR §1.132

Sir:

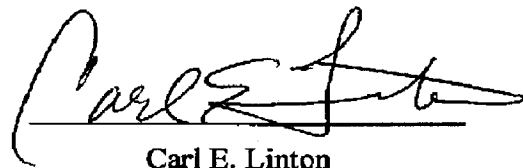
I, Carl E. Linton, do hereby declare as follows:

1. I have read the specification of the above-identified application, the pending claims and the Office Action mailed by the USPTO on August 5, 2008.
2. I am the inventor of the subject patent application (Linton) identified above.
3. I understand that the Examiner made a request for information under 37 CFR 1.105 to provide "full disclosure of the features included with the invention/model of the device in public use as of one year prior to the filing date of the present application, September 11, 2003."
4. The device in use as of one year prior to September 11, 2003 did not contain, among other things, a user sensor.
5. The confidential, internal document entitled "CVAC Fitness Systems, Inc. Project Profile", attached herewith, was drafted on about January 25, 2001 and includes disclosure regarding the composition of a device in use at that time, and in use up to September 11, 2002.
6. The components of the device are described on the second page of the document under the heading entitled "The 'Fitness Excelsator'." The device identified in this disclosure does not include, among other things, a user sensor.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section § 1001 of Title XVIII of the United States Code and that willful, false statements may jeopardize the validity of this Application for Patent or any patent issuing thereon.

Respectfully submitted,

Dated: 12/30/2008


Carl E. Linton

CVAC Fitness Systems, Inc.

Project Profile

January 25, 2001

Company Description:

CVAC Fitness Systems, Inc. is a closely held California "C" corporation. The corporation's principal officers are: Larry Collins, President, Roberto Sigmond, Chief Financial Officer and Carl Linton, Vice President/Secretary. At this time the sole stockholder in this corporation is Blue Feather Enterprises, L.L.C.

The company was funded in January of 2000 and has been conducting development operations to date. The company is now preparing to enter the marketplace with a unique service to the sports and fitness industry.

The corporate office is located at 27132 Shadel Road, Sun City, CA 92586. The phone numbers are 909-672-1888 (office), 909-672-1499 (fax). The e-mail address is cvacfitness@earthlink.net or any of the principals may be contacted through and e-mail link at the CVAC web site at www.cvacfitness.com

Product Brief:

The product is the "CVAC" process. The desired result from use of the process is physical fitness.

"CVAC" is an acronym. It stands for Cyclic Variations in Atmospheric Conditioning. Simply put, CVAC is an exercise. It is a passive exercise that uses changes in the air pressure found in the natural breathable atmosphere. This is done in a "Fitness Excelerator": a pod that seats you comfortably for about 20 minutes. During that time, you go through a number of changes in atmospheric pressure that exercises every part of your body at once. Your ears will equalize (pop) a lot but most everyone feels good during that time and that good feeling continues even after the session is over. Even though the company adheres to a policy of minimizing the benefits of the process, our clients uniformly report phenomenal improvements in their general physical fitness.

Product Delivery:

The CVAC process can only be delivered in our "Fitness Excelerator". These devices are to be located exclusively at Health and Fitness Clubs.

Note: These locations generally require a product liability insurance associated with equipment they have in place for their clients. This policy would only need to conform to

what is generally accepted for other exercise equipment for use in the aforementioned setting.

The “Fitness Excelerator”: This is what we will be insuring.

The “Fitness Excelerator” (hereinafter referred to as the vessel) consists of a canopy, tub, base, opening/closing device, passive air-distribution system, intercom and a touch-screen monitor.

The touch-screen monitor and intercom are the only electrically powered components in direct proximity to the client/user. The touch-screen monitor indicates the status of the session to the client and allows for limited control of the device during initial “set-up” sessions and (to a lesser extent) during subsequent automated sessions.

The canopy of the vessel has a large optically clear acrylic window set into an inset flange and affixed with “Plexus” cement.

The primary structural component used in both the tub and canopy is a high-strength fiberglass composite similar to that used in high-speed ocean-going race boats. The base is made of standard gel-coat fiberglass.

The canopy and tub are both supported by a solid cast-aluminum flange. These flanges are joined when the unit is in the closed position and while in operation. A hermetic seal is affected via a gasket mounted on the ventral surface of the canopy flange.

The function of the base is to support the tub and canopy and house the plumbing, blower and air-proportioning device. The plumbing consists of plastic tubing and connectors. The medium the tubing conducts is free air. The blower is a two-stage Siemens blower. The proportioning device is a linear motor driven two-inch valve. The base is fitted with sound dampening material. The sound dampening material is non-flammable.

Manufacturing:

At this time, the only component of the vessel CVAC Fitness Systems, Inc. manufactures is the proportioning valve. This is a temporary situation.

Trailer Products, Inc. in Hemet, CA manufactures the fiberglass components. The Aircraft Windshield Company in Los Alamitos, CA manufactures the vessel’s window. AlumAlloy Company, Inc. of Ontario, CA manufactures the aluminum flanges. CGM Engineering of South Pasadena, CA. provides the touch-screen monitor. I.A.I. of Japan manufactures the Linear motor that drives the proportioning valve.

All assembly and testing is now performed in-house by CVAC Fitness Systems, Inc.

Our Present Status:

CVAC Fitness Systems, Inc. is now in the process of transitioning from primary developmental operations to initial distribution to the public. We will also continue development operations.

At this time, however, we are not yet delivering sessions to the public. We are collecting no funds from any sessions delivered. We are in the process of setting up merchant accounts and other necessary artifacts that will allow us to do a profitable business.

Future Plans:

We plan on producing between fifty to one hundred units this year.